

Single-sex marriage

This house believes that gay marriage should be legal.

Opening statements



Defending the motion

Evan Wolfson, founder and executive director, Freedom to Marry

The denial of marriage is one of the harshest inequalities inflicted on lesbian and gay families—discrimination enacted by our own government. It hurts families struggling during tough economic times and punishes children by depriving their families of the critical safety-net and meaning that marriage can bring.



Against the motion

Maggie Gallagher, founder, National Organization for Marriage

For the majority of Americans, and most human cultures across time and space and history, marriage is the union of husband and wife. These sexual unions deserve their unique status, in law, culture and society, because they really are unique. They can make new life and connect those children in love to their mother and father.

The moderator's opening remarks

Jan 3, 2011 | Roger McShane

Marriage has long been considered one of society's most fundamental institutions. But the nature of marriage is constantly evolving and the pace of change has increased in the past half century.

In the West, we have seen the empowerment of wives, the acceptance of interracial marriage and a startling rise in divorce rates. Of more relevance to this debate, a growing number of countries have also allowed gay couples to wed. When *The Economist* came out in favor of gay marriage in 1996, no country gave homosexuals the full right of marriage. When we reiterated our argument eight years later, only two countries—Belgium and the Netherlands—had given full legal status to same-sex unions. Today ten countries fully recognize and perform same-sex marriages.

For supporters, gay marriage is the culmination of society's acceptance of the homosexual lifestyle. Moreover, it is a matter of equal rights. In America, for example, the Government Accountability Office has counted 1,138 statutory provisions that take marital status into account when determining benefits, rights and privileges. Proponents of gay marriage question why committed gay couples are treated differently from their heterosexual counterparts under these laws.

Others, however, see gay marriage as frivolous and potentially harmful to traditional marriage. Society and the state are primarily interested in marriage for the sake of children, so what stake do they have in a relationship that cannot produce them? They argue that the expansion, manipulation and trivialization of marriage undermine this core institution.

To flesh out these arguments, and introduce new ones, we have two passionate participants in America's debate over gay marriage. Arguing for the motion is Evan Wolfson, the founder and executive director of Freedom to Marry. Opposing him is Maggie Gallagher, the founder of the National Organization for Marriage.

Mr Wolfson opens up the proceedings by noting the prominent Americans who have recently come out in favor of gay marriage. Indeed, support for gay marriage in America seems to increase every year, but most polls still show greater opposition, and most referendums in support of gay marriage have failed. Mr Wolfson says that "there is no good reason" to continue excluding gay couples from marriage, but a plurality (and perhaps majority) of Americans obviously disagree. Are the benefits of including homosexual couples in marriage so compelling as to warrant ignoring the will of the people? And how does Mr Wolfson feel about civil unions, which more Americans are inclined to support?

On the other side of the debate, Ms Gallagher argues that the "key purpose of marriage in both law and culture" is the creation and raising of children. "If gay unions are marriages, then this is no longer what marriage is about," she says. But is this really the defining element of marriage? After all, barren women are allowed to marry. In fact, as Jonathan Rauch has pointed out, sterile heterosexual unions in America far outnumber homosexual ones. Do those relationships fall outside the marriage model?

Gay adoption and artificial insemination also complicate Ms Gallagher's argument. While the presence of children would seem to qualify gay couples for marriage on her grounds, she adds that "children need a mom and a dad". The same assertion was made in defense of California's Proposition 8, but lawyers were unable to back up the claim in court. There have been numerous

studies on the effects of child rearing by same-sex parents. Can Ms Gallagher point to any that support her position?

My questions aside, our two debaters have put forward thoughtful opening arguments. One thing they both agree on is the importance of marriage, but I imagine this will only intensify the debate. So before I hand it over to them, I want to encourage the audience to comment and vote, and implore everyone to maintain a civil tone. Like a marriage, this debate will benefit from mutual respect and understanding.



Defending the motion

Evan Wolfson, founder and executive director, Freedom to Marry

In our law and our society, marriage touches every aspect of life, from birth to death, with taxes in between.

Marriage matters. That is why so many people are passionately engaged in this ongoing conversation about ending exclusion from marriage and why, every day, we see hearts and minds open and support grow. Take, for example, Bill Clinton. In 1996, he signed into law the so-called Defense of Marriage Act (DOMA), which added discrimination in federal programs such as Social Security, immigration and taxation to the exclusion of gay and lesbian couples and their families from marriage.

Since then, Mr Clinton has been on a personal journey from opposition to support of the freedom to marry. "Throughout my life, I have opposed discrimination of any kind. When the Defense of Marriage Act was passed, gay couples could not marry anywhere in the United States or the world for that matter. Thirteen years later, the fabric of our country has changed," he said in a statement in support of the Respect for Marriage Act, which would overturn DOMA. Mr Clinton explained his change of heart: "I had all these gay friends, I had all these gay couple friends, and I was hung up about it. And I decided I was wrong ... I think it's a good thing not a bad thing. And I just realized that, I was, probably for, maybe just because of my age and the way I've grown up, I was wrong about that. I just had too many gay friends. I saw their relationships. I just decided I couldn't, I had an untenable position."

Mr Clinton has not been alone on this journey. Prestigious gatherings such as the US Conference of Mayors and the American Bar Association, as well as diverse and sometimes surprising people such as Laura Bush, Cindy McCain, Governor Arnold Schwarzenegger and even the likes of Glenn Beck, have come forward and shared their story of moving from opposition to support for the freedom to marry. They all recognize the universal power of the word marriage—when you say "We're married", everyone knows who you are in relation to the person you are building your life with—and have come to understand that loving and committed gay couples share the same mix of reasons for wanting the freedom to marry.

Americans are seeing that there is no good reason to continue excluding committed couples from marriage. In the federal trial earlier this year, the anti-gay forces behind California's Proposition 8 failed to come up with any evidence or logic to justify marriage discrimination. When the Prop 8 lead lawyer Charles Cooper was asked by Chief Judge Vaughn Walker, "What would be the harm of permitting gay men and lesbians to marry?", Cooper replied, "Your Honor, my answer is: I don't know ... I don't know", and, in desperation, argued that they "don't have to have evidence". The flimsiness of the evidence and absence of logical reasons to discriminate in marriage led Judge Walker to rule that:

"Moral disapproval alone is an improper basis on which to deny rights to gay men and lesbians. The evidence shows conclusively that Proposition 8 enacts, without reason, a private moral view that same-sex couples are inferior to opposite-sex couples ... Because Proposition 8 disadvantages gays and lesbians without any rational justification, Proposition 8 violates the Equal Protection Clause of the Fourteenth Amendment."

In fact, the denial of marriage is one of the harshest inequalities inflicted on lesbian and gay families—discrimination enacted by our own government. It hurts families struggling during tough economic times and punishes children by depriving their families of the critical safety-net and meaning that marriage can bring.

Today, gay and lesbian couples can marry in 12 countries on four continents. While gay and lesbian couples and their families around the world embrace the meaning marriage brings to their lives, we see every day that their love and commitment hurts no one. Religion is not harmed, as this is about City Hall civil marriage licenses, not religious rites or celebrations that are up to each faith to decide on its own. Kids are not harmed; in fact, ending marriage discrimination helps the children raised by gay and lesbian parents, while taking nothing away from anyone else. That is why organizations such as the American Academy of Pediatrics and, in fact, every reputable national child-welfare and public health professional association in the country have come out in support of the freedom to marry. And communities are not harmed; marriage helps build strong families, and more strong families mean a stronger community for us all. Ending marriage discrimination helps families—particularly in a challenging economy—while hurting no one.

As President Barack Obama said when he signaled that he, like Mr Clinton before him, is changing his mind on his personal journey to supporting the freedom to marry: "Attitudes evolve, including mine."



Against the motion

Maggie Gallagher, founder, National Organization for Marriage

Here is a hard question for Evan Wolfson and other gay marriage advocates to answer: why do so many people, and so many judges, decline to recognize a right to gay marriage? For the fact is that the majority of judges who have considered the question in America over the past decade have disagreed with Mr Wolfson's basic argument: that the right to marry includes the right to gay marriage. And not only in America. Just last June the European Court of Human Rights rejected the idea that gay marriage is a human right.

Meanwhile, a majority of Americans consistently reject gay marriage, even in progressive states such as California (2008) and Maine (2009). Most recently, in 2010, the people of Iowa demonstrated their rejection of the idea that the right to marry includes same-sex marriage by voting to oust three Iowa judges who were up for re-election.

For those of us who respectfully disagree with Mr Wolfson and other gay marriage advocates, the key question in this debate is not "How do we feel about gay people?" but "What is marriage?" and "Why is the law involved in marriage?".

Only if we first answer these questions can we address intelligently the question of what justice, equality and the principle of non-discrimination require. Here is the truth that too few gay marriage advocates can grapple with, even long enough to make an argument: for millions of people, gay marriage will not merely add a new class of entrants into marriage. It will fundamentally change the meaning of marriage in the public square.

The law's definitions are unusually powerful. If the law says the word "cat" must now mean "either cat or dog" because they are similar in so many ways, then it will obviously become difficult for society to talk about cats intelligently or effectively. The disconnect between the law's definition and society's definition will cause friction that makes the transmission of ideas more difficult, to say the least.

For the majority of Americans, and most human cultures across, time and space and history, marriage is the union of husband and wife. These sexual unions deserve their unique status, in law, culture and society, because they really are unique: these are the unions we all depend on. They can make new life and connect those children in love to their mother and father.

Marriage emerges time and again cross-culturally because it addresses a core human problem: sex between men and women makes babies. Marriage incarnates the idea that this sexual power is both deeply valuable and inherently dangerous. We need a social institution, endowed with public authority, that teaches young men and women in the midst of erotic, emotional and psychological dramas that they need to come together in love to raise the children their bodies make together. If this is a core purpose of marriage, then same-sex unions are not marriages. If gay unions are marriages, then this is no longer what marriage is about.

Gay marriage asks us to surrender this once widely acknowledged key purpose of marriage in both law and culture and to adopt a new view: marriage is the way we recognize committed and loving adult relationships.

Under this view of marriage, few of the core features of marriage in law or culture are comprehensible: Why then is marriage a sexual union—must we have sex to commit and care? Why do we bar close relatives from marrying? Why only two? Surely more than two people can love and care for one another? We can love many people in many ways; commitment comes in different forms. To say a relationship is not a marriage is not necessarily to denigrate it.

It is not discrimination to treat different things differently. If there are people—and there are—who do not fit the marriage model well, we can and do develop innovative structures to meet their needs. We need not redefine marriage to express concern about our gay friends, neighbors and fellow citizens.

To ardent activists like Mr Wolfson and Andrew Sullivan that seems impossible. To disagree with his view, as Mr Sullivan told me a few weeks ago in a debate at Georgetown University, is by definition to dehumanize him. When the wife of a prominent law professor told me that my view of marriage and family was insulting to her gay son, I said to her, "I don't want to insult your son. Is it the way I'm saying it? Can you help me say it better? Or is it the idea itself—children need a mom and a dad—that's the problem?" She said, thoughtfully, passionately and sincerely, "No, it's not the way you speak, it's the idea itself that needs to be retired."

Finding common ground or courtesy across a divide that great is going to be an ongoing challenge. But I will say, a society that attempts to repress as rude, uncivil or bigoted an idea as important as "children need a mom and a dad" is in trouble.